

Application Number 09/838,621  
Amendment dated November 12, 2004  
Responsive to Office Action mailed August 20, 2004

### **REMARKS**

This amendment is responsive to the Office Action dated August 20, 2004. Applicant has amended claims 1-3, 5, 11, 14, 17-19, 21-25, 28, 30 and 33, added claim 34 and cancelled claims 4, 16, 26, and 31. Claims 1-3, 5-15, 17-25, 27-30 and 32-34 are pending upon entry of this communication.

### **Claim Rejection Under 35 U.S.C. § 112**

In the Office Action, the Examiner rejected claims 11-13, 19, 23-25, 31 and 33 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that the claim term "K" is currently undefined. Applicant has amended the claims for purposes of clarification. Specifically, Applicant has amended claims 1, 14, 18, 21, and 28 to clarify that K represents the number of information symbols within the block. Applicant submits that the claims, as amended, particularly point out and distinctly claim the subject matter, as required by 35 U.S.C. 112, second paragraph.

### **Allowable Subject Matter**

In the Office Action, the Examiner objected to claims 4-7, 16 and 17 as including subject matter that would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also stated that claims 11-13, 19, 23-25, 31 and 33 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.

In this amendment, Applicant has amended independent claims 1 and 14 to include the allowable subject matter recited by claims 4 and 16, respectively, that the Examiner has as allowable over the prior art. Accordingly, Applicant has cancelled claims 4 and 16. Furthermore, Applicant has amended independent claim 21 and independent claim 28 to include the allowable subject matter specified by the Examiner. Finally, Applicant has added new claim 34, which includes the allowable subject matter from claim 33, base claim 28 and all intervening claims.

Application Number 09/838,621  
Amendment dated November 12, 2004  
Responsive to Office Action mailed August 20, 2004

Consequently, independent claims 1, 14, 21, 28 and 34, and all claims dependent therefrom, are in condition for allowance.

### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

November 12, 2004  
SHUMAKER & SIEFFERT, P.A.  
8425 Seasons Parkway, Suite 105  
St. Paul, Minnesota 55125  
Telephone: 651.735.1100  
Facsimile: 651.735.1102

By:

Kent J. Sieffert  
Name: Kent J. Sieffert  
Reg. No.: 41,312